Anno ſeptimo

Georgii III. Regis.

An Act for repairing and widening the Road from *Shaddon Gate*, near *Carliſle*, to the preſent Turnpike Road at *Mulaſide*; and from a Place in the ſaid Turnpike Road, between *Binſey Mires* and *North Raw Gate*, to join the Turnpike Road at *Skillbeck*, in the County of *Cumberland*.

WHEREAS the high Road leading from Shaddon Gate, near the City of Carliſle, in the County of Cumberland, and from thence up Dalſton Green, through Hawkeſdale, to Nether Welton, and thence through Upper Welton, to Warnell Fell, and from thence, by Paddigill, to Mulaſide, to join the Turnpike Road leading from Heſket New Market, by Ewe's Bridge, to Cockermouth; and alſo the Road from the ſaid Turnpike Road between Binſey Mires and North Raw Gate, by Baſſenthwaite Chapel, to a Place called Skillbeck, near Mirehouſe, where it joins Preamble.

joins the preſent Turnpike Road leading to Keſwick, in the ſaid County, are very ruinous, inconvenient, narrow, and dangerous, and cannot be repaired by the ordinary Courſe of Law: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Right Honourable Edward Bentinck, commonly called Lord Edward Bentinck; Sir Philip Muſgrave Baronet, Sir John Pennington Baronet, Sir James Lowther Baronet, Sir Gilfred Lawſon Baronet, Sir William Dalſton Knight, the Honourable Raby Vane, the Honourable Sir John Mordaunt Knight of the Bath, Robert Lowther, Joſeph Pennington, Henry Curwen, Charles Jenkinſon, John Elliot, Humphry Senhouſe the elder, Humphrey Senhouſe the younger, John Chriſtian, Fletcher Partis, Edward Stephenſon the elder, John Stevenſon, Andrew Huddleſtone the elder, Andrew Huddleſtone the younger, Walter Fletcher, John Robinſon, Edward Stephenſon the younger, Joſhua Lucock, Henry Elliſon, William Hicks, John Senhouſe, William Brownrigg, John Richardſon, John Fenton Clarke, Henry Fletcher, John Spedding, Wane, Thomas Benſon, Joſeph Nicolſon, Thomas Holme, John Daviſon, Monkhouſe Daviſon, William Pearſon, Roger Williamſon, William Monkhouſe, John Loſh, Joſeph Liddel, John Denton, Thomas Story, Eſquires; Thomas Wilſon D. D. Dean of Carliſle; Richard Burn LL. D. Chancellor of the Dioceſe of Carliſle; the Dean and Chapter of Carliſle for the time being; Edward Birket, Robert Wardale, Prebendaries of Carliſle; John Briſco D. D. John Story, Thomas Chriſtian, Thomas Addiſon, Richard Machell, Pynſent Wilmot, Clerks; John Brougham, Peter Brougham, Charles Chriſtian, John Wordſworth, John Lucock, Richard Radcliffe, Radcliffe, Fiſher, Timothy Nicholſon, Richard Thompſon, Captain Wilſon, Reed, Jeremiah Watſon, Samuel Pearſon, John Milbourn the younger, James Atkinſon, George Dalton, Jeremiah Adderton, George Molineux, William Dobinſon, George Blamire the elder, Iſaac Denton, Robert Peat, Thomas Simpſon, John Simpſon, Iſaac Robſon, Robert Monkhouſe, Robert Feddon, John Bewley, John Sanderſon of Flatbank, John Falder, Joſeph Robinſon, John Feddon, Robert Blamire, John Foſter, Stephen Railton, John Studholme, Anthony Robinſon, John Fiſher, Joſeph Waine,

Truſtees Names.

Waine, William Brown, Egglesfield Smith, John Wilſon, John Hodgſon, John Kirkby, John Cape, Backhouſe Addiſon, Joſeph Railton, William Stordy, Gentlemen; the Mayor, Recorder, and Aldermen, of the City of Carliſle, for the time being; and alſo every Perſon who ſhall advance or lend the Sum of Fifty Pounds, or any greater Sum, for obtaining this preſent Act of Parliament, or carrying the ſame into Execution, ſhall be, and they and their Succeſſors, to be elected and appointed in Manner herein after mentioned, are hereby appointed Truſtees for putting this Act in Execution; and it ſhall be lawful to and for the ſaid Truſtees, and the Survivors of them, and to and for any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall authorize and appoint, to amend, widen, alter, clear, and keep in Repair, all the Roads herein before-mentioned, or ſuch Parts thereof as they ſhall think fit; and to erect, or cauſe to be erected, a Gate or Gates, Turnpike or Turnpikes, in, upon, or croſs the ſaid Roads, at the ſeveral Places herein after mentioned; that is to ſay, One Gate or Turnpike upon Warnell Fell; One other Gate or Turnpike at Dalſton Lane Head, or at any Place between the Houſe now in the Occupation of Thomas Peat in Dalſton Lane and the Lane or Lonning called Clemetſon's Lonning; and One other Gate or Turnpike at or near Skillbeck aforeſaid; and alſo a Toll-houſe or Toll-houſes, in, upon, or near the ſame, ſubject nevertheleſs to the Proviſions and Regulations herein after-mentioned; and ſhall demand, receive, and take, at each ſuch Gate or Turnpike, the Tolls and Duties following, before any Horſe or other Cattle, or any Carriage, ſhall be permitted to paſs through the ſame; that is to ſay,

Truſtees may erect Turnpikes and Toll-houſes,

and take Tolls thereat.

The Tolls.

For every Coach, Berlin, Landau, Chariot, Chaiſe, Calaſh, Chair, or Hearſe, drawn by Six Horſes or other Beaſts, One Shilling and Six Pence; and drawn by Four Horſes or other Beaſts, One Shilling; and drawn by Two Horſes or other Beaſts, or One Horſe or other Beaſt, Six Pence.

For every Waggon, Wain, Cart, or other Carriage (except as before-mentioned) drawn by Two or more Horſes or other Beaſts, Two Pence for each Beaſt ſo drawing; and drawn by One Horſe, Two Pence.

For every Horſe, Mare, Gelding, Mule, or Aſs, laden or unladen, and not drawing, One Penny.

For every Score of Oxen, Cows, or Heifers, the Sum of Ten Pence per Score; and ſo in Proportion for any leſs Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence per Score; and ſo in Proportion for any leſs Number.

Tolls veſted in Truſtees.

Which ſaid reſpective Sum and Sums of Money ſhall be demanded and taken in the Name of, or as a Toll or Duty; and the Money ſo to be raiſed and collected is and ſhall be hereby veſted in the ſaid Truſtees for the time being; and the ſame, and every Part thereof, ſhall be paid, applied, diſpoſed of, and aſſigned, to and for the ſeveral Uſes and Purpoſes, and in ſuch Manner as is herein after-mentioned: And it ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, or ſuch Perſon or Perſons as they, or any Five or more of them, ſhall, under their Hands and Seals, from time to time appoint, to demand and take the Tolls or Duties hereby required to be paid, and to levy the ſame upon any ſuch Perſon or Perſons who ſhall, after Demand thereof made, neglect or refuſe to pay the ſame as aforeſaid, by Diſtreſs of any Horſe or Horſes, or other Cattle, or of any Carriage upon which any Toll or Duty is by this Act impoſed, or by Diſtreſs of any other of the Goods and Chattles of ſuch Perſon or Perſons who ought to pay the ſame; and to detain and keep the ſame until ſuch Tolls or Duties, with the reaſonable Charges of ſuch Diſtreſs, detaining and keeping the ſame, ſhall be fully paid and ſatisfied; and after the Space of Five Days ſuch Perſon or Perſons ſo diſtraining (in caſe ſuch Tolls, with the reaſonable Charges incident to ſuch Diſtreſs as aforeſaid, ſhall remain unpaid or unſatisfied) ſhall and lawfully may ſell the ſaid Cattle, Carriage, or Goods ſo diſtrained for Payment thereof, returning the Overplus (if any) upon Demand, to the Owner thereof, after ſuch Tolls, Duties, and all reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Tolls may be levied by Diſtreſs and Sale.

Diſtreſs may be ſold after 5 Days.

And whereas by an Act paſſed in the Twenty ſixth Year of the Reign of His late Majeſty, intituled, An Act for repairing the Road from the Town of *Penrith*, in the County of *Cumberland*, by *Hutton Hall*, over *Skelton* and *Caſtle Sowerby Paſtures* and *Sebraham Bridge*, to

to *Chalk Beck*, in the ſaid County; and alſo the Road which branches and ſeparates from the ſame Road upon *Caſtle Sowerby Paſture* aforeſaid, and leads from thence through *Heſket*, otherwiſe *Heſket New Market*, to *Caldbeck*, in the ſaid County, ſeveral Tolls are laid: And whereas Horſes and Carriages paſſing for Coals and Lime from Penrith to Warnell Fell, paſs over Part of the ſaid Road repaired by virtue of the ſaid Act of the Twenty ſixth of his late Majeſty, and are ſubject to the Tolls by the ſaid Act impoſed; and the ſubjecting ſuch Horſes and Carriages to the Payment of the Whole of the Toll directed to be taken by this Act, would greatly enhance the Price of Coals and Lime to the Owners; be it therefore enacted by the Authority aforeſaid, That no more than One Fourth Part of the Toll or Duty directed to be taken by this Act ſhall be demanded or taken for any Horſe, Beaſt, or Carriage, going for or returning loaden with Coals or Lime, who ſhall have paſſed through the Turnpike, Toll-gate, or Bar, erected at Sebraham Town Head, by virtue of the ſaid Act of the Twenty ſixth Year of his late Majeſty, and ſhall produce to any Gate-keeper appointed by virtue of this Act, a Note or Ticket of the Payment of the Toll at ſuch Gate at Sebraham Town Head as aforeſaid; any thing in this Act contained to the contrary notwithſtanding.

Only One Fourth of the Toll to be taken for ſuch as have paſſed through *Sebraham Town Head* Turnpike.

Provided always, and be enacted, That every Perſon who ſhall have paid the ſaid Toll, at either of the Gates to be erected between Shaddon Gate and Mulaſide, for the Paſſage of any Carriage, Beaſt, or Cattle, ſhall be permitted to paſs the other Gate, with the ſame Carriage, Beaſt, or Cattle, upon the ſame Day, gratis.

Such as have paid Toll between *Shaddon Gate* and *Mulaſide*, to paſs the other Gate *gratis*.

Provided always, and be it enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to erect, or cauſe to be erected, One or more Gate or Gates, Turnpike or Turnpikes, and Toll-houſe or Toll-houſes, on the Side or Sides of the ſaid Roads, or any of them, and croſs any Lane or Way leading out of the ſame; and there to take and levy, or cauſe to be taken and levied, ſuch Tolls and Duties as are by this Act granted and made payable, ſo as the ſame do not extend to a Double Charge, in caſe of paſſing through any Gate or Turnpike, Gates or Turnpikes, which ſhall be erected by virtue of this Act on any Part of the ſaid Roads.

Truſtees may erect Side-gates,

and take Toll thereat;

ſo as the ſame do not extend to a Double Charge.

And

Road where to be begun, &c.

And be it further enacted by the Authority aforeſaid, That the ſaid Road ſhall be begun to be made or repaired from Elliſon Dike Nook on Warnell Fell to Hawkeſdale, and from thence to Shaddon Gate, in the firſt Place; and that then the ſaid Road from Elliſon Dike Nook aforeſaid, to the Town of Keſwick, ſhall be made or repaired in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall direct.

Tolls to be paid but Once a Day.

Provided always, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons having Occaſion to paſs the Place or Places where the Tolls or Duties are taken, who return the ſame Day before Twelve of the Clock at Night, with the ſame Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Cattle, or with the ſame Coach, Berlin, Landau, Chariot, Chaiſe, Chair, Calaſh, Hearſe, Waggon, Wain, or other Carriage, ſhall be liable or compelled the ſame Day to pay the ſaid Toll or Duty more than Once.

Penalty on giving Tickets;

And be it further enacted, That if any Perſon or Perſons, having paid any of the ſaid Tolls or Duties by this Act granted, and having ſuch Note or Ticket, Notes or Tickets, ſhall offer, give, or diſpoſe of the ſame, to any Perſon or Perſons (except the Perſon or Perſons appointed to collect and receive the Tolls hereby made payable) or if any Perſon or Perſons ſhall, with any Horſe or other Cattle, Coach or other Carriage, go or paſs through any Ground, adjoining to or lying near any of the Gates or Turnpikes to be by virtue of this Act erected, the ſame not being a common Road; or permitting, &c. private Paſſage;

or if any Owner or Occupier of any Ground, Land, or Hereditaments, which ſhall adjoin, or lie near to any of the ſaid Gates or Turnpikes, ſhall knowingly or willingly permit or ſuffer any Perſon or Perſons, with any Horſe or other Cattle, Coach or other Carriage, to go or paſs through the ſame Ground, Land, or Hereditaments; or taking off Horſes, &c.

or if any Perſon or Perſons ſhall, at any Time or Times, take off, or cauſe to be taken off, any Horſe, or other Beaſt, from any Carriage, whereby the Payment of any of the ſaid Tolls ſhall be evaded; to avoid Payment of the Tolls.

that then, and in any of the aforeſaid Caſes, every Perſon ſo offending, and being thereof convicted, upon the Oath of One or more Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace of and for the County of Cumberland, or City of Carliſle (which ſaid Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter) ſhall, for every ſuch Offence, forfeit

forfeit and pay the Sum of Forty Shillings; One Moiety whereof shall be paid to the Informer or Informers of such Offence or Offences respectively, upon whose Oath or Oaths the said Offender or Offenders shall be convicted, to and for his and their own Use and Uses, and the other Moiety shall go and be applied in Repair of the said Roads.

Trustees, with Consent of Creditors, may lessen the Tolls,

And be it further enacted, That it shall be lawful to and for the said Trustees, or any Nine more of them, and they are hereby authorized and impowered, from time to time, with the Consent of such Persons as shall have advanced Money on the Credit of the said Tolls and Duties, or of the major Part of them in Number or Value, at any Times hereafter, as often and for such Times as they shall think proper, to lessen all or any of the Tolls or Duties by this Act made payable at all or any Gates or Turnpikes which shall be erected by virtue of this Act, and so again as often and for such Time as the said Trustees shall find it necessary to raise and increase all or any of the said Tolls or Duties, so that the same do not exceed the Tolls or Duties made payable by virtue of this Act; and such Tolls or Duties, so reduced or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls or Duties herein before granted and made payable are directed to be collected, recovered, and applied.

and raise them again.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, from time to time, by Writing under their Hands and Seals, to demise, lease, and to farm-let, the Tolls by this Act granted, or any Part of such Tolls, to any Person or Persons, from Year to Year, or for any Term of Years not exceeding Three Years, for the best Price such Trustees can get, payable at such Times, and under such Covenants, as they the said Trustees, or any Nine or more of them, shall think fit, and to be paid to the said Trustees, or any Nine or more of them, or to such Person or Persons as they, or any Nine or more of them, shall appoint to receive the same; which Money so to be paid, shall be applied and disposed of as the Tolls granted by this Act are directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Notice thereof to be given.

Provided always, That after all or any of the Gates or Turnpikes herein before-mentioned shall have been erected, Twenty Days Notice shall be given of every Meeting to be held by the Trustees for the Purposes of

lowering, raiſing, or leaſing the Tolls, by Writing under the Hand of the Clerk to the ſaid Truſtees; and ſhall, by Order of the ſaid Truſtees, or any Five or more of them, be affixed upon all the Gates or Turnpikes erected by virtue of this Act; and before and until ſuch Gates or Turnpikes ſhall be erected, by an Advertiſement to be publiſhed in One or more of the publick News Papers printed at Newcaſtle upon Tyne.

No Toll on Election Days.

Provided alſo, and be it further enacted, That no Toll or Duty ſhall be demanded or taken for any Coach, Berlin, Landau, Chariot, Calaſh, Chaiſe, Chair, or Paſſenger on Horſeback, going to or returning from any Election of a Knight or Knights of the Shire to ſerve in Parliament for the County of Cumberland, or of a Citizen or Citizens to ſerve in Parliament for the City of Carliſle, or of a Burgeſs or Burgeſſes to ſerve in Parliament for the Borough of Cockermouth, on the Day or Days of ſuch Election, or on the Day next before or after ſuch Day or Days of Election.

Property of Turnpikes, &c. veſted in the Truſtees.

And be it further enacted, That the Right and Property of all the Gates, Turnpikes, and Toll-houſes, which ſhall be erected by virtue of this Act, and of the Materials of which the ſame ſhall conſiſt, ſhall be, and are hereby veſted in the Truſtees appointed or to be appointed by or in purſuance of this Act; and they, or any Five or more of them, are hereby impowered to diſpoſe thereof as they ſhall think proper; and to bring or cauſe any Action or Actions to be brought in the Names of any Five or more of them, or in the Name or Names of their Clerk or Clerks, Treaſurer or Treaſurers, for the time being, or to prefer or cauſe a Bill or Bills of Indictment to be preferred againſt any Perſon or Perſons who ſhall dig up, break, or pull down, ſteal, take, or carry away, ſpoil, injure, or deſtroy, any ſuch Gate or Gates, Turnpike or Turnpikes, Toll-houſe or Toll-houſes, or any Part thereof.

Qualification of Truſtees.

Provided always, and be it enacted, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs at the Time of his acting therein, he ſhall have or be ſeiſed in his own Right, or in the Right of his Wife, and in the actual Poſſeſſion, Enjoyment, or Receipt, of the Rents and Profits of a Real Eſtate in Law or Equity, of the clear yearly Value of Sixty Pounds, above Reprizes; or be Heir Apparent of a Perſon ſeized of a Real Eſtate in Law or Equity, of the clear yearly Value of One hundred Pounds; or unleſs, at the Time of acting therein, he

be be poſſeſſed of a Perſonal Eſtate to the Amount of One thouſand Pounds: And if any Perſon or Perſons, ſo made incapable, ſhall preſume to act in the Truſt aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds, to be recovered by Action at Law, to be brought in any of His Majeſty's Courts of Record at Weſtminſter; and the Perſon ſo proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; One Moiety of which Forfeiture ſhall be paid to the Proſecutor, and the other Moiety ſhall be applied in Repair of the ſaid Roads. Penalty on acting if not qualified.

And be it further enacted, That the ſaid Truſtees, or any Nine or more of them, may, and are hereby authorized and impowered, to chuſe a Clerk or Clerks, Treaſurer or Treaſurers, and appoint a Collector or Collectors of the Tolls or Duties aforeſaid, and alſo a Surveyor or Surveyors to view the Condition of the ſaid Roads, and to ſee that the ſame be repaired, and ſuch other Officer or Officers as they, or any Nine or more of them, ſhall think neceſſary for the Execution of this Act; and, from time to time, to remove ſuch Clerks, Treaſurers, Collectors, Surveyors, and other Officers, or any of them, as they ſhall ſee Occaſion, and to appoint new Ones on their Death or Removal; Notice of the Time and Place of Meeting for electing and appointing ſuch others being fixed on the Gates or Turnpikes then erected by virtue of this Act, and before and until the ſaid Gates or Turnpikes ſhall be erected, by Advertiſement in One or more of the publick News Papers printed at Newcaſtle upon Tyne, at leaſt Ten Days before ſuch Election and Appointment; and all Perſons who ſhall be appointed as aforeſaid to receive the ſaid Tolls or Duties, or any Monies which ſhall be raiſed, collected, or received, by virtue of this Act, ſhall, upon Oath, when thereunto required by the ſaid Truſtees, or any Five or more of them (which Oath any One of the ſaid Truſtees is hereby impowered to adminiſter, and for adminiſtering of which Oath no Fee ſhall be taken) on the Firſt Tueſday in every Month, or oftener, if the ſaid Truſtees, or any Five or more of them, ſhall ſo require, give in a true, exact, and perfect Account in Writing to the ſaid Truſtees, or any Five or more of them, of all Monies which ſuch Perſons ſhall to ſuch Time reſpectively have received Truſtees may appoint Officers, and remove them, and appoint others. Officers to account upon Oath.

ceived by virtue of this Act, and how, and to whom, and for what Uses, such Monies, and every Part thereof, have, or shall have been paid, disposed of, or applied, together with the proper Receipts and Vouchers for such Payments; and in case any Money so received shall remain in their respective Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall impower to receive the same, and shall be laid out and disposed of according to the true Intent and Meaning of this Act; and the said Trustees, or any Five or more of them, to whom such Account shall be given, may and shall, out of the said Tolls or Duties, make such Allowance to the said Collectors, Receivers, Clerks, Treasurers, Surveyors, and other Officers, or any or either of them, and to such other Person or Persons as shall be assisting to them, or any or either of them, in or about repairing or widening the said Roads, or any Part thereof, as to the said Trustees, or any Five or more of them, shall seem reasonable: And in case such Collectors, Receivers, Clerks, Treasurers, or other Officers, or any or either of them, shall not give in such Account, and make such Payment, or produce and deliver up the Receipts and Vouchers relating to the same, or verify the Articles thereof on his or their Oath or Oaths, when required so to do; then, and in either of the Cases aforesaid, the said Trustees, or any Five or more of them, may, and are hereby authorized and impowered to bring, or cause to be brought, any Action or Actions in the Names of the said Trustees, or in the Name or Names of any One or more of them, against the Officer or Officers, Person or Persons, so refusing or neglecting as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons, respectively; or if Complaint shall be made of any such Refusal or Neglect to any One or more Justice or Justices of the Peace for any Division in which any Part of the said Roads do lie, such Justice or Justices shall make Enquiry concerning such Default in a summary Way, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices is and are hereby impowered and required to administer without Fee or Reward;) and if such Persons shall be thereof convicted, such Justice or Justices shall commit the Party to the Common Gaol

Trustees to allow Officers Salaries.

Officers refusing to account,

may be sued;

or if Complaint be made to Justices,

they may determine the Matter,

and commit the Offender,

Gaol of the ſaid County of Cumberland, there to remain until he ſhall have given and made a true and perfect Account and Payment as aforeſaid, or until he ſhall have compounded and agreed with ſuch Truſtees, or any Five or more of them, and have paid ſuch Compoſition to the ſaid Treaſurer or Treaſurers, or other Officer or Officers to be by them appointed to receive the ſame; which Compoſition the ſaid Truſtees, or any Five or more of them, at any Meeting, are hereby impowered to make.

until Payment or Compoſition made.

Provided always, That no Perſon carrying Goods for Hire, or keeping an Inn, Alehouſe, or other Houſe of publick Entertainment, or who ſhall ſell Beer, Ale, Wine, Brandy, or other ſpirituous or fermented Liquors, by Retail, ſhall be capable of acting as a Truſtee, or of taking, holding, or enjoying, any Place of Truſt or Profit under this Act.

No Victualler, &c. to hold any Place of Profit.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, or ſuch Perſon or Perſons as he, or any Five or more of the ſaid Truſtees, ſhall appoint, to dig, cut, gather, take, and carry away, or cauſe to be digged, cut, gathered, taken, or carried away, any Chippings or Rubbiſh, Gravel, Furze, Heath, Sand, Stones, Chalk, Flint, or other Materials, for repairing the ſaid Roads, out of any Quarry, River, Brook, Waſte or Common Grounds, in any Pariſh, Hamlet, Tything, Town, Village, or Place, wherein or near which the ſaid Roads do lie, without paying any thing for ſuch Materials; and for want of ſufficient Materials to be conveniently had within ſuch Pariſhes, Hamlets, Tythings, Towns, Villages, or Places, he and they may, and is and are hereby authorized to dig, cut, gather, take, and carry away, the ſame, from any Open or Waſte Grounds in any neighbouring Pariſh, Hamlet, Tything, Town, Village, or Place, where the ſame may be had, without paying any thing for ſuch Materials, and alſo in, upon, or out of, the Lands of any Perſon or Perſons where the ſame may be had (not being a Yard, Garden, Orchard, Park, Paddock, Plantation, Wood, Coppice, planted Walk, or Avenue to any Houſe, or any incloſed Ground planted and ſet apart for a Nurſery for Trees) they the ſaid Surveyors, or other Perſons aforeſaid, having an Order from ſuch Truſtees, or any Five or more of them, for ſo doing, and paying or tendering ſuch Price for the ſame, and for the Damage done to ſuch Owner

Surveyors may dig Gravel, &c. in Waſte Grounds,

without paying for the ſame.

If ſufficient Materials cannot be had there, the ſame may be taken from private Grounds;

making Satisfaction to the Owners.

or Owners, as the ſaid Truſtees, or any Five or more of them, ſhall adjudge reaſonable.

Surveyors may make Cauſeways, &c.

And be it further enacted, That the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors by them appointed as aforeſaid, or any other Perſon or Perſons by them, or either of them, appointed or employed, may, and is and are hereby authorized and impowered (he or they the ſaid Surveyor or Surveyors, or other Perſon or Perſons having a Warrant or Order from and under the Hands of the ſaid Truſtees, or of any Five or more of them, for thoſe Purpoſes reſpectively) to make, or cauſe to be made, any Cauſeway or Cauſeways in or along any Part or Parts of the ſaid Roads; and ſhall and may erect or build, or cauſe to be erected or built, Bridges or Arches of Stone, Brick, or Timber, upon, in, or acroſs, the ſaid Roads, or any Part thereof; and may and ſhall make, raiſe, or erect, or cauſe to be made, raiſed, or erected, any Mounds or Banks, or dig or cut, or cauſe to be digged or cut, any Drains or Watercourſes in, through, or acroſs, any Lands or Grounds, to prevent the ſaid Roads, or any Part or Parts thereof, from being overflowed; and may and ſhall erect, or cauſe to be erected, Bridges over ſuch Drains or Watercourſes, if neceſſary, making ſuch reaſonable Satisfaction to the Owner or Owners, Occupier or Occupiers, of ſuch Lands or Grounds, for the Damages he, ſhe, or they, may thereby ſuſtain, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

erect Bridges,

making Satisfaction to the Owners.

Bridges, &c. chargeable to the Highways, to continue ſo.

Provided alſo, and be it further enacted by the Authority aforeſaid, That where any Part or Parts of the ſaid Roads, or where any Bridge or Bridges, Drain or Drains, Sewer or Sewers, lying in and upon the ſaid Roads hereby intended to be repaired, and which have been accuſtomed or ought to be repaired and maintained by any particular Perſon or Perſons, or Body or Bodies Politick or Corporate, by reaſon of the Tenure of any Lands, Tenements, or Hereditaments, or by the ſaid County of Cumberland, or any otherwiſe howſoever; all and every ſuch Part and Parts of the ſaid Roads, Bridges, Drains, and Sewers, ſo lying in and upon the ſaid Roads, ſhall, from time to time, be maintained and kept in Repair by ſuch Perſon and Perſons, and Body and Bodies Politick and Corporate, and in ſuch Manner as the ſame were reſpectively maintained and kept in Repair before the Paſſing of this Act: And in caſe any Difference ſhall ariſe, as to Damage done in getting Materials for repairing the

Juſtices to determine Differences.

ſaid Roads from private Grounds, or how and in what Manner ſuch particular Part or Parts of the ſaid Roads, or the Bridges, Drains, and Sewers, lying in and upon the ſame, are or ought to be repaired and maintained as aforeſaid; it may and ſhall be lawful for the Juſtices of the Peace for the ſaid County, and they are hereby impowered and required, at their General or Quarter Seſſions, upon Application to them made by the ſaid Truſtees, or any Five or more of them, or by their Clerk or Clerks for the time being, to adjudge and determine what Satisfaction or Recompence ſhall be paid, and how and in what Manner ſuch particular Part or Parts of the ſaid Roads, Bridges, Drains, and Sewers aforeſaid, ſhall, from time to time, be repaired and maintained.

Surveyors may remove Annoyances, &c.

And be it further enacted by the Authority aforeſaid, That it may and ſhall be lawful to and for the ſaid Surveyor or Surveyors, and for ſuch Perſon or Perſons as he or they ſhall appoint, from time to time, to remove and carry away all Annoyances on any Part of the Roads aforeſaid, by Filth, Dung, Timber, Rubbiſh, or otherwiſe; and to divert and turn any Watercourſes, Sinks, or Drains, running into, along, croſs, or out of, the ſaid Roads to the Prejudice thereof; and to open, ſcour, or cleanſe, any Watercourſes or Ditches adjoining to the ſaid Roads, and make the ſame as deep and large as he or they ſhall think proper or neceſſary, and to make any new Drains, Watercourſes, or Ditches, adjoining to the ſaid Roads; and to grub up or cut down, lop or ſhroud, any Trees or Buſhes growing in the ſaid Roads, or in the Hedges or Banks adjacent thereto, or in any Land or Ground to be taken into the ſaid Roads; and to take and carry away the ſame, in caſe the Owners or Occupiers of the Premiſſes ſhall neglect to remove ſuch Annoyances, or to grub up, cut down, lop, ſhroud, and carry away, ſuch Trees or Buſhes as aforeſaid, or to open, ſcour, or cleanſe, ſuch Watercourſes or Ditches for the Space of Twenty Days next after Notice, in Writing, given for that Purpoſe under the Hand or Hands of the ſaid Surveyor or Surveyors, or of the ſaid Truſtees, or any Five or more of them; the Charges whereof ſhall be ſettled by the ſaid Truſtees, or any Five or more of them, and reimburſed to the ſaid Surveyor or Surveyors by ſuch Owners or Occupiers ſo neglecting to grub up, cut down, lop, ſhroud, and carry away, ſuch Trees or Buſhes, or to remove ſuch other Annoyances as aforeſaid; and if after Removal of any

and cut down Trees, &c.

the Owners neglecting to remove the ſame after Notice;

the Charges to be reimburſed the Surveyor.

of

Penalty of a Second Offence.

of the said Annoyances any Person shall again offend in the like Kind, every such Person so again offending, and being thereof convicted on Oath as aforesaid, shall, for every such Offence, forfeit and pay, unto the said Trustees, the Sum of Twenty Shillings.

Trustees may make a temporary Road;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Surveyor or Surveyors, or such Person or Persons as he or they shall appoint (such Surveyor or Surveyors having an Order for that Purpose from the said Trustees, or any Five or more of them) to widen any narrow Part or Parts of the said Roads, by opening, clearing, and laying into the same, any Lands, Grounds, or Hereditaments, of any Person or Persons lying contiguous thereto; and also to make a Road or Roads through the Grounds adjoining or lying near to any hollow Way, or any narrow or ruinous Part of the said Roads; such Ground respectively not having any House or Building standing thereon, and not being a Yard, Garden, Orchard, Court, Park, Paddock, Plantation, Wood, Coppice, planted Walk, or Avenue to any House, or an inclosed Ground planted and set apart as a Nursery for Trees; such temporary Road or Roads to be made use of as a Publick Highway or Publick Highways whilst the old Road is repairing or widening; making such Recompence to the Owners and Occupiers of such private Grounds respectively, for the Damages they shall or may sustain by such widening or making such temporary Road or Roads, as shall be adjudged reasonable by the said Trustees, or any Five or more of them.

making Satisfaction to the Owners.

Trustees may contract for the Purchase of Lands, &c. to be laid into the Roads.

And be it further enacted by the Authority aforesaid, That in case the said Trustees, or any Nine or more of them, shall think proper to widen, turn, or alter, any Part or Parts of the said Roads, the said Trustees, or any Nine or more of them, shall have full Power and Authority, from time to time, to contract and agree with any Owner or Owners, Occupier or Occupiers of, and any Person or Persons interested in any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase thereof, or for the Loss or Damage he, she, or they, may sustain by such widening, turning, or altering, of any Part or Parts of such Roads; and out of the Tolls or Duties by this Act granted, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands, Grounds, or Hereditaments, and for such Loss or Damage as aforesaid, such Sum or Sums of Money as shall be agreed upon

upon between ſuch Owner or Owners, Occupier or Occupiers, Perſon or Perſons intereſted as aforeſaid, and the ſaid Truſtees, or any Nine or more of them, and alſo the Coſts and Charges attending ſuch Agreement and Purchaſe: And it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, and other Truſtees whatſoever, for or on Behalf of themſelves, their Heirs and Succeſſors, and alſo for any Infants, Femes Covert, or Ceſtuique Truſts, and for all Femes Covert who are or ſhall be ſeiſed in their own Right, and for all other Perſons whatſoever, to contract and agree with ſuch Truſtees, or any Nine or more of them, for ſuch Purchaſe or Recompence as aforeſaid; and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual to all Intents and Purpoſes whatſoever; and all ſuch Perſons are and ſhall be hereby indemnified for what they ſhall do by virtue and in purſuance of this Act. Bodies Politick, &c. impowered to treat.

And be it further enacted by the Authority aforeſaid, That if ſuch Owners, Proprietors, Occupiers, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, Truſtees, or other Perſons intereſted in any ſuch Lands, Grounds, or Hereditaments, or any or either of them, upon Notice to him, her, or them given, or left in Writing at the Dwelling-houſe or Houſes, or Place or Places of Abode, of ſuch Perſon or Perſons, or of the Head Officer or Officers of ſuch Bodies Politick, Corporate, or Collegiate, or at the Houſe of the Tenant in Poſſeſſion of the Lands, Grounds, or Hereditaments, ſo to be taken in, and added to, the ſaid Roads, or into or through which ſuch Roads are to be turned or altered as aforeſaid, ſhall, by the Space of Twenty Days after ſuch Notice given as aforeſaid, neglect or refuſe to treat, or ſhall not agree in the Premiſſes, or by reaſon of Abſence ſhall be prevented from treating; then, and in every or any ſuch Caſe, the ſaid Truſtees, or any Five or more of them, ſhall cauſe to be inquired, aſcertained, and aſſeſſed, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of Cumberland, (which Oath any One of the Truſtees is hereby impowered and required to adminiſter) what Damages will be ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Owners, Proprietors, Perſons neglecting to treat, &c.

Jury to ſettle the Recompence.

or Occupiers, or other Perſons intereſted, or any or either of them, for or upon account of the taking ſuch Lands, Grounds, or Hereditaments, into the ſaid Roads, or of turning ſuch Roads into or through any ſuch Lands, Grounds, or Hereditaments; and in order thereto the ſaid Truſtees, or any Five or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be, to ſummon and call before the ſaid Jury, and examine, upon Oath, all and every Perſon or Perſons who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſſes (which Oath any One of the ſaid Truſtees is hereby impowered to adminiſter); and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in queſtion, if there be Occaſion, and uſe all ſuch lawful Ways and Means, as well for their own as for the ſaid Jury's Information in the Premiſſes, as they the ſaid Truſtees, or any Five or more of them, ſhall think fit: And after the ſaid Jury ſhall have inquired of, aſcertained, and aſſeſſed, ſuch Damages and Recompence, they the ſaid Truſtees, or any Five or more of them, ſhall thereupon order, adjudge, and determine, the ſaid Sum or Sums of Money, ſo aſſeſſed by the ſaid Jury, to be paid to the Owners, Proprietors, or Occupiers of, or other Perſons intereſted in the ſaid Lands, Grounds, or Hereditaments, according to ſuch Verdict or Inquiſition of the ſaid Jury; which ſaid Verdict or Inquiſition, and Judgement, Order, or Determination, ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes, againſt all Parties and Perſons whatſoever, claiming in Poſſeſſion, Reverſion, Remainder, or otherwiſe, their Heirs and Succeſſors, as well abſent as preſent, Infants, Femes Covert, and Perſons under any other Diſability whatſoever, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Husbands, Guardians, and Truſtees, as well as all other Perſons whatſoever; and all ſuch Owners, Proprietors, and Occupiers, and all Perſons intereſted in ſuch Lands, Grounds, or Hereditaments, ſhall, upon Payment or Tender of the Sum or Sums of Money ſo aſſeſſed as aforeſaid, be thereby, and from thenceforth, to all Intents and Purpoſes, diveſted of all Right, Title, Claim, Intereſt, and Property, of, in, to, and out of, the ſame: And for the ſummoning and returning ſuch Jury or Juries, the ſaid Truſtees, or any Five or more of them, are hereby impowered to iſſue out their

Witneſſes may be ſummoned, and examined upon Oath.

Verdict of the Jury to be final.

Truſtees may iſſue a Warrant to Sheriff, &c. to impanel a Jury.

their Warrant or Warrants to the Sheriff of the County of Cumberland, thereby commanding him to impanel, ſummon, and return, an indifferent Jury of Twenty four Perſons to appear before the ſaid Truſtees, or any Five or more them, at ſuch Time and Place as in the Warrant ſhall be appointed; and the ſaid Sheriff, and his Deputy or Deputies, is and are hereby required to impanel, ſummon, and return, ſuch Number accordingly; and out of the Perſons ſummoned and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Truſtees, or any One of them, ſhall ſwear, or cauſe to be ſworn, Twelve, to be drawn by Ballot, out of the ſaid Twenty four; and in Default of a ſufficient Number of Jurymen, the ſaid Sheriff, or his Deputy or Deputies, ſhall return other honeſt and indifferent Men of the Standers-by, or that can be ſpeedily procured to attend the Service, who ſhall be ſworn in like Manner, till the Number of Twelve be completed, which Twelve ſhall be the Jury for the Purpoſes aforeſaid; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen, when they come to be ſworn: And the ſaid Truſtees, or any Five or more of them, acting in the Premiſſes, ſhall have full Power, from time to time, to impoſe any reaſonable Fine or Fines on ſuch Sheriff, his Deputy or Deputies, Bailiff or Bailiffs, Agent or Agents, making Default in the Premiſſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury, or being ſo ſworn ſhall refuſe to give, or ſhall not give, their Verdict, or in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act; and on any of the Perſons who, being required to give Evidence before the ſaid Jury touching the Premiſſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn and give Evidence, ſo as that no ſuch Fine ſhall exceed the Sum of Ten Pounds upon any One Perſon for One Offence.

Jurors may be challenged.

Truſtees may impoſe a Fine on Sheriff, &c. making Default in the Premiſſes.

And be it further enacted by the Authority aforeſaid, That in caſe any Jury or Juries to be ſummoned and ſworn, purſuant to the Authority of this Act, ſhall give in or deliver a Verdict or Aſſeſſment for more Money, as a Recompence or Satisfaction for the Right, Intereſt, or Property, of any Perſon or Perſons, in any ſuch Lands, Grounds, or Hereditaments, or for any ſuch Loſs or Damage, than what ſhall have been agreed to, and offered by, the ſaid Truſtees, or any

Expences of the Jury how to be borne.

Mine

Nine or more of them, before the ſummoning or returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, in the ſaid Lands, Grounds, or Hereditaments, or Loſs or Damage as aforeſaid; then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, concerning the aſcertaining and determining the Value of any ſuch Right, Property, or Intereſt, or Damages ſuſtained as aforeſaid, ſhall be borne and paid by the ſaid Truſtees, or any Five or more of them, out of the Tolls or Duties hereby granted, or out of any Money to be borrowed upon the Credit thereof; but if any Jury or Juries, ſo to be ſummoned and ſworn as aforeſaid, ſhall give in or deliver a Verdict or Aſſeſſment for leſs Money than ſhall have been agreed to, and offered by, the ſaid Truſtees, or any Nine or more of them, before the ſummoning and returning of the ſaid Jury or Juries, as a Recompence or Satisfaction for any ſuch Right, Intereſt, or Property, in any ſuch Lands, Grounds, or Hereditaments, or Loſſes or Damages aforeſaid; then, and in ſuch Caſe, the Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Truſtees ſhall have ſuch Controverſy or Diſpute.

Buildings not to be injured, &c.

Provided always, That in widening, turning, or altering, any Part or Parts of the ſaid Roads, nothing ſhall be done which may in any wiſe injure or damage any Houſe or Building, or any Yard, Garden, Orchard, Court, Park, Paddock, Plantation, planted Walk, or Avenue to any Houſe, or any incloſed Ground ſet apart as a Nurſery for Trees, unleſs the Owner thereof ſhall conſent thereto.

Money allowed for Lands, &c. how to be charged and tendered.

And be it further enacted by the Authority aforeſaid, That all and every ſuch Sum and Sums of Money, Conſideration, Recompence, or Satisfaction, to be agreed for as aforeſaid, ſhall be, and is and are hereby charged and chargeable upon the Monies which ſhall be raiſed, received, or borrowed, by virtue of this Act, and ſhall be paid thereout accordingly to the Perſons reſpectively intitled thereto, or to their Agents; and that upon Payment, or Tender thereof, to ſuch Perſons or their Agents, or in caſe of Refuſal to accept the ſame; then, upon leaving the ſame in the Hands of the Clerk to the ſaid Truſtees for the Uſe of ſuch Perſons, and after Ten Days Notice thereof given to ſuch Perſons, or their Agents, to receive ſuch Money,

ney, Conſideration, Recompence, or Satisfaction, it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, their Surveyors, Workmen, or Agents, to take into and add to the ſaid Roads, ſuch Lands, Grounds, or Hereditaments, and to do all and every ſuch Act, Matter, and Thing, with relation to ſuch Grounds, Lands, or Hereditaments, as the ſaid Truſtees, or any Seven or more of them, ſhall think fit; and after the Purchaſe of the ſaid Lands, Grounds, or Hereditaments, and Tender of Payment as aforeſaid, ſuch Lands, Grounds, and Hereditaments, ſhall be laid into, and made and deemed, and be from thenceforth Part of the ſaid Road for ever after, and ſhall be repaired and kept in Repair by ſuch Ways and Methods, and in all Reſpects in ſuch Manner, as the old Road was or ought to have been repaired and kept in Repair; and the Lands and Grounds compriſed in or conſtituting the former Road, and which ſhall be no longer neceſſary to be uſed as ſuch, ſhall be veſted in and ſold or exchanged by the Truſtees, or any Seven or more of them, for the beſt Price or on the beſt Terms that can be got for the ſame; and the Money ariſing thereby ſhall be applied to the repairing of the ſaid Roads; and the Sale and Conveyance of ſuch Lands, Grounds, or Hereditaments, being executed by any Seven or more of the Truſtees, and inrolled with the Clerk of the Peace for the County of Cumberland, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

Lands, &c. purchaſed to be deemed Part of the Road, and eſteemed a publick Highway.

Provided always, That no Perſon ſhall act as a Truſtee in any Caſe relating to the contracting for or the purchaſing of any Lands or Hereditaments, where he ſhall be concerned in Intereſt.

Truſtees not to act where intereſted.

And foraſmuch as the Money to be collected by the Receipt of the Tolls or Duties by this Act impoſed or granted will not be ſufficient for the ſpeedy amending of the Roads hereby directed to be repaired; be it further enacted, That the ſaid Truſtees, or any Nine or more of them, at the Firſt Meeting of the ſaid Truſtees, or at any other Meeting or Meetings to be held for that Purpoſe (whereof Twenty Days Notice ſhall be given in Writing, affixed upon every Gate or Turnpike to be erected by virtue of this Act, and before and until the ſaid Gates or Turnpikes ſhall be erected, by Advertiſement in One or more of the Publick News Papers printed at Newcaſtle upon Tyne) may and they are hereby impowered, from time

Truſtees may borrow Money on the Credit of the Tolls.

to time, to borrow any Sum or Sums of Money upon the Credit of the Tolls which ſhall be raiſed, collected, or made payable by virtue of this Act, and by any Writing or Inſtrument under their Hands and Seals, to aſſign over the ſaid Tolls or Duties, or any Part thereof (the Coſts and Charges of ſuch Aſſignment to to be borne and paid out of ſuch Tolls or Duties) for any Time or Term for which the ſame are hereby made payable, or any Part of ſuch Time or Term, as a Security for any Sum or Sums of Money ſo to be borrowed by the ſaid Truſtees for that Purpoſe, to ſuch Perſon or Perſons, or his, her, or their Truſtees, as ſhall advance or lend ſuch Money, to ſecure the Repayment thereof, by and out of the Monies ariſing or to be collected by the ſaid Tolls or Duties, with ſuch Intereſt for the ſame as the ſaid Truſtees, or any Nine or more of them, ſhall think fit and agree to give; which ſaid Money ſo borrowed ſhall, after paying the Charges and Expences of obtaining this preſent Act, and of erecting the Gates or Turnpikes, and Toll-houſes, to be erected by virtue hereof, which are hereby required to be firſt paid, be applied and diſpoſed of as the ſaid Tolls or Duties are to be applied and diſpoſed of by virtue hereof, and to no other Uſe or Purpoſe whatſoever; and no Preference ſhall be given to any Perſon or Perſons advancing any Part or Parts of the Money ſo borrowed, in reſpect of the Priority of advancing his, her, or their Part or Parts thereof; but all ſuch Lenders, and Perſons to whom ſuch Aſſignments ſhall be made as aforeſaid, ſhall (ſo far as the ſaid groſs Sum ſhall extend) be and are hereby declared to be Creditors on the ſaid Tolls or Duties in an equal Degree one with another; and all and every the Original Aſſignment or Aſſignments, ſo to be made by the ſaid Truſtees, for ſecuring ſuch Sum or Sums of Money, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the ſaid Clerk or Clerks, Treaſurer or Treaſurers; which ſaid Book or Books ſhall and may be peruſed at all reaſonable Times by any Perſon or Perſons whatſoever, without Fee or Reward; but no Money ſhall be borrowed by the ſaid Truſtees, upon the Credit of the ſaid Tolls, after their Firſt Meeting, unleſs Twenty Days Notice be previouſly given thereof, by Writing under the Hand of the Clerk of the ſaid Truſtees, and be, by Order of the ſaid Truſtees, or any Seven or more of them, affixed upon all the Gates or Turnpikes to be erected by virtue of this Act, and before

All Creditors deemed equal in Degree.

Entries to be made of all Aſſignments.

Notice to be given of borrowing of Money.

and until the ſaid Gates or Turnpikes ſhall be erected, by an Advertiſement in One or more of the Publick News Papers printed at Newcaſtle upon Tyne.

Truſtees not ſubject to the Payment of Debts, &c.

Provided always, That nothing in this Act contained ſhall extend to charge or ſubject the ſaid Truſtees with or to the Payment of any Monies, by reaſon of their or any of their ſigning and ſealing the ſaid Securities, or any or either of them.

Aſſignments may be transferred.

And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made by the ſaid Truſtees, or any Nine or more of them, or who ſhall be intitled to the Money thereby ſecured, may, and are hereby impowered, from time to time, by Words of Aſſignment to be indorſed on his, her, or their Security or Securities, to aſſign or transfer ſuch Security or Securities, and all Benefit and Advantage thereof, and all his, her, and their Right, Title, and Intereſt, to and in the Principal and Intereſt Money thereby ſecured, or any Part thereof, to any Perſon or Perſons whatſoever; and ſuch Aſſignment ſhall intitle ſuch Aſſignee, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof, and Payment thereon; and ſuch Aſſignee may, and is hereby impowered, in like Manner, to aſſign the ſame again, and ſo toties quoties.

Exemptions from Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That no Tolls or Duties ſhall be demanded or taken at any Gate or Turnpike erected by virtue of this Act, for any Waggon, Wain, Cart, or other Carriage, or for any Horſe, Mare, Gelding, Ox, Mule, Aſs, or other Beaſt, that ſhall be employed or uſed in drawing or carrying Materials for repairing any Road or Highway; or from any Perſon or Perſons reſiding in any of the Pariſhes or Places in which the ſaid Roads do lie, paſſing to or from Church, or other Places of Religious Worſhip, on Sundays; or for any Poſt-horſe or Vehicle carrying the Mail or Packet; or for the Horſes of any Officers or Soldiers paſſing on their March, or for Horſes or Carriages belonging to, and paſſing with, them, or carrying their Baggage; or for Horſes or Carriages travelling with Vagrants ſent by Paſſes.

Penalty of making illegal Claims.

Provided alſo, That if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being intitled to the ſame, ſuch Perſon ſhall forfeit and pay the Sum of Twenty Shillings.

Provided

Perſons chargeable with the Repairs of Highways, to continue ſo.

Provided alſo, and be it further enacted by the Authority aforeſaid, That all Perſons who by Law are obliged or liable to perform the Work in the Highways for the repairing thereof, commonly called Statute-work, or chargeable towards amending the ſame, ſhall ſtill remain liable and chargeable, and do their reſpective Works in the Pariſhes in which the ſaid Roads do lie, in ſuch Manner as ſuch Perſons ought to have done before the Paſſing of this Act; and ſhall and are hereby required to do and perform ſuch and ſo many Days Work in ſuch Parts of the ſaid Roads by this Act directed to be repaired, and lying within the ſaid Towns, Pariſhes, Hamlets, Tythings, or Places, in which ſuch Inhabitants reſpectively ſhall live, and at ſuch Times, and in ſuch Manner, as the ſaid Truſtees, or any Five or more of them, or the Surveyor or Surveyors by them authorized, ſhall direct or appoint: And that every Inhabitant of the ſaid Towns, Pariſhes, Hamlets, Tythings, or Places reſpectively, who ſhall rent, hold, or occupy, any Lands, Tenements, or Hereditaments, of the yearly Value of Fifty Pounds, ſhall be deemed and taken to keep a Team, and ſhall do and perform ſuch Work in and towards the repairing the Highways of the ſeveral Towns, Pariſhes, Hamlets, Tythings, and Places, in which they reſpectively live, as Perſons keeping Teams are obliged by Law and ought to do.

Perſons renting 50 *l. per Ann.* deemed Team-holders.

Surveyors to deliver in Liſts of Perſons liable to do Statute-work.

And be it further enacted by the Authority aforeſaid, That the Surveyor or Surveyors of the Highways for the reſpective Pariſhes, Hamlets, Tythings, or Places, wherein any Part of the ſaid Roads do lie, and in caſe no Surveyor or Surveyors is or are appointed for ſuch reſpective Pariſhes, Hamlets, Tythings, or Places, then the reſpective Churchwardens or Overſeers of the Poor of ſuch Pariſhes, Hamlets, or Tythings, ſhall, and are hereby required, at the Firſt Meeting of the ſaid Truſtees after the Twenty fifth Day of March in every Year, during the Continuance of this Act (Ten Days Notice of ſuch Meeting being fixed on all the Turnpikes erected by virtue of this Act) to deliver in to the ſaid Truſtees true and perfect Liſts in Writing before ſuch Truſtees, or any Five or more of them, upon Oath (which Oath they are hereby impowered to adminiſter) of the Names of the ſeveral Perſons who within each Pariſh, Hamlet, Tything, or Place reſpectively, are obliged by this Act, or by any other Law, to do their Statute-work for that Year with Teams and Draughts, or otherwiſe, and alſo the Number

ber of Days Work which each Perſon ought to perform on the Highways within their ſeveral Pariſhes, Hamlets, Tythings, or Places reſpectively; a reaſonable Part of which ſaid Statute-work, not exceeding Three Days for each Perſon, ſhall be done at ſuch Times, in ſuch Manner, and in ſuch Parts of the ſaid Roads, as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall, from time to time, direct and appoint; and if any ſuch Perſon as aforeſaid ſhall neglect or refuſe to do ſuch Statute-work, every ſuch Perſon ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums herein after mentioned; that is to ſay, Every ſuch Inhabitant or Perſon who ſhall keep, or ſhall by virtue of this Act be deemed to keep, a Team or Waggon, the Sum of Ten Shillings; every other Inhabitant or Perſon who ſhall keep, or ſhall by virtue of this Act be deemed to keep, a Single Horſe Cart, the Sum of Three Shillings; and every other Inhabitant not keeping, or not deemed by this Act to keep, a Team or Single Horſe Cart, the Sum of One Shilling and Six Pence for each Day's Default: And if any Perſon or Perſons, who ſhall (according to ſuch Summons or publick Notice as aforeſaid) come to work as Labourers, or ſhall be ſent with any Team, Draught, or Cart, to work on the ſaid Roads, is or are found idle or negligent by the ſaid Turnpike Surveyor or Surveyors where the Work is to be done; then, and in ſuch Caſe, ſuch Turnpike Surveyor or Surveyors may, and is and are hereby impowered and required to remove or turn him or them off who ſhall be found idle or negligent as aforeſaid, and it ſhall be eſteemed and taken as if ſuch Perſon or Perſons had not come or ſent any Team, Cart, or Draught, to work on the ſaid Roads; and he, ſhe, or they, ſhall be ſubject and liable to the reſpective Penalties and Forfeitures, as if he, ſhe, or they, had neglected or refuſed to do or perform the ſaid reſpective Days Work, or to ſend ſuch Team, Draught, or Cart, ſo ordered and appointed as aforeſaid: And in caſe any of the ſaid Surveyors of the Highways, Churchwardens, or Overſeers of the Poor, ſhall refuſe or neglect to deliver in true and perfect Liſts as aforeſaid; then every ſuch Surveyor, Churchwarden, and Overſeer, ſhall, for every ſuch Neglect or Refuſal, forfeit the Sum of Five Pounds.

Penalty on Perſons not performing Statute-work.

Perſons found idle, to be turned off.

Penalty on Surveyors, &c. neglecting to deliver in Liſts.

Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall be lawful for the Surveyor or Surveyors of the Highways of any of

Surveyors with Conſent of Inhabitants, may compound for Statute work.

the said Parishes, Hamlets, or Tythings (by and with the Consent of the Inhabitants of such Parishes, Hamlets, or Tythings, at a Vestry or other publick Meeting of such Inhabitants) to compound and agree, by the Year or otherwise, with the said Trustees, or any Seven or more of them, for and in lieu of the Statute-work to be performed by the Inhabitants of such Parish, Hamlet, or Tything, or Parishes, Hamlets, or Tythings, upon any Part of the said Roads; and if such or any future Surveyor or Surveyors shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid, or so levied on him or them, in such Manner as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways: And in case such Composition-money shall not be paid to the said Trustees, or any Seven or more of them, or to such Person as they shall appoint to receive the same, within Fifteen Days after the same shall be demanded; it shall be lawful for any One or more Justice or Justices of the Peace within the said County of Cumberland (upon Oath made before him or them of such Default) and he and they is and are hereby required to issue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, impowering such Person or Persons, so by the said Trustees, or any Seven or more of them, appointed to receive such Composition-money, to levy the same by Distress of the Goods and Chattles of such Surveyor or Surveyors of the Highways; and in case no Surveyor or Surveyors is or are appointed for such respective Parish, Hamlet, Tything, or Place, or for such respective Parishes, Hamlets, Tythings, or Places, then of the Churchwarden or Churchwardens, Overseer or Overseers, for the time being, of the said Parish, Hamlet, Tything, or Place, or of the said Parishes, Hamlets, Tythings, or Places respectively; and such Goods and Chattles so distrained, after the Space of Three Days (such Composition-money, and the reasonable Charges of distraining and keeping the same, not being paid) to sell, returning the Overplus (if any be) to the Owner or Owners thereof, upon Demand, after the said Composition-money, and the reasonable Charges of distraining, keeping, and selling, the same, shall be deducted and paid; which Composition-money shall be by the said Trustees, or any Seven or more of them,

Surveyors, &c. paying the Composition-money, how to be reimburſed.

Composition-money how to be recovered.

them, applied towards amending the ſaid Roads, and to no other Uſe or Purpoſe whatſoever.

Surveyors may appeal to the Quarter Seſſions to proportion the Statute-work.

Provided always, and be it further enacted, That if the Surveyor or Surveyors of the Highways, and where no Surveyor or Surveyors is or are appointed, the Churchwarden or Churchwardens, Overſeer or Overſeers, for the time being, of any of the Pariſhes, Hamlets, Tythings, or Places, wherein the Roads directed by this Act to be repaired do lie, ſhall think the ſaid Truſtees, or the Surveyor or Surveyors by them authorized, hath or have directed or appointed too large a Proportion of the Statute-work in any Pariſh, Hamlet, Tything, or Place, to be done on the ſaid Roads; it ſhall be lawful for ſuch Surveyor or Surveyors of the Highways, or for ſuch Churchwarden or Churchwardens, Overſeer or Overſeers, to appeal to the Quarter Seſſion of the Peace next after ſuch Direction or Appointment to be held for the County of Cumberland; and the Juſtices, in their reſpective Quarter Seſſions, are hereby authorized and impowered finally to adjuſt and determine what Proportion of the Statute-work in any Pariſh, Hamlet, Tything, or Place, ſhall be done on the Roads by this Act directed to be repaired; ſuch Surveyor or Surveyors of the Highways as aforeſaid having firſt given Twenty Days Notice in Writing of ſuch Appeal to the Surveyor or Surveyors authorized by the ſaid Truſtees as aforeſaid.

Truſtees may compound with Travellers.

And be it further enacted, That the ſaid Truſtees, or any Seven or more of them, may, and they are hereby impowered to compound or agree with any Perſon or Perſons uſually travelling the ſaid Roads, for paſſing through any Gate or Turnpike to be erected by virtue of this Act (except Perſons carrying Goods for Hire) for paſſing through all or any of the Gate or Gates, Turnpike or Turnpikes, to be erected by virtue of this Act, for any Sum or Sums of Money to be paid annually, or otherwiſe, in lieu of the ſaid Tolls or Duties granted by this Act; Copies of all which Compoſitions or Agreements, ſo to be made as aforeſaid, ſhall be entered at Length in a Book or Books to be kept for that Purpoſe by the ſaid Clerk or Clerks, Treaſurer or Treaſurers; which ſaid Book or Books ſhall and may be ſeen and peruſed by any Perſon or Perſons whatſoever without Fee or Reward.

Compoſitions to be entered in a Book.

Compoſition-money how to be recovered.

And be it further enacted by the Authority aforeſaid, That in caſe any ſuch Compoſition-money agreed to be paid for paſſing through the ſaid Gates or Turnpikes to be erected by virtue of this Act Toll-free, or in lieu of any

Statute

Statute or Days Work of the Inhabitants of any Pariſh, Hamlet, Tything, or Place, wherein the Roads to be amended by virtue of this Act do lie, or in reſpect of any Lands, Tenements, or Hereditaments, liable or chargeable by Tenure or otherwiſe as aforeſaid, ſhall not be paid within Three Days next after the ſame ſhall become payable, according to ſuch Compoſition or Agreement; then and in ſuch Caſe it may and ſhall be lawful to and for the ſaid Truſtees, or any Five or more of them, or for any One or more Juſtice or Juſtices of the Peace for the ſaid County, by Warrant under his or their Hand and Seal, or Hands and Seals, to impower the Perſon or Perſons authorized by the ſaid Truſtees, or by any Five or more of them, to receive ſuch Compoſition-money (Oath being firſt made that the ſame hath been demanded, and remains unpaid; which Oath the ſaid Truſtees, or any One or more of them, or the ſaid Juſtice or Juſtices, is and are hereby impowered to adminiſter) and to levy the ſame by Diſtreſs and Sale of the Goods and Chattles of the Perſon or Perſons ſo having compounded as aforeſaid, or of the Surveyor or Surveyors of the Highways, for the time being, of ſuch Pariſh, Hamlet, Tything, or Place, in reſpect of whoſe Statute or Days Work ſuch Compoſition ſhall have been made; returning the Overplus (if any be) on Demand, the Charges of ſuch Diſtreſs and Sale being thereout firſt deducted.

Roads to be meaſured and Mile-ſtones erected.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall direct, and they are hereby required to cauſe the ſaid Roads to be meaſured, and Stones or Poſts to be ſet up in or near the Sides of the ſaid Roads, at the Diſtance of One Mile from each other, denoting the Diſtance of every ſuch Stone or Poſt from ſuch Places as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet: And if any Perſon ſhall wilfully and maliciouſly break, pull up, injure, or deſtroy, any of ſuch Stones or Poſts as ſhall be ſo erected, or ſhall obliterate or deface any of the Letters, Figures, or Marks, which ſhall be inſcribed thereon; every ſuch Perſon ſo offending, being convicted thereof before any One or more Juſtice or Juſtices of the Peace for the ſaid County of Cumberland, ſhall forfeit and pay the Sum of Forty Shillings for every ſuch Offence; One Moiety whereof ſhall go to the Informer, and the other Moiety ſhall be laid out and applied in repairing ſuch Stones or Poſts, or in ſupplying of new ones in their Stead;

Penalty on defacing Mile-ſtones.

Stead; and if there ſhall be any Overplus, the ſame ſhall be laid out in repairing the Roads directed to be repaired by this Act.

Penalties and Forfeitures how to be recovered.

And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures by this Act impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattles, by Warrant under the Hands and Seals of Two or more Juſtices of the Peace for the ſaid County of Cumberland, (which Warrant the ſaid Juſtices are hereby impowered and required to grant) upon the Confeſſion of the Party or Parties, or upon the Information of any One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices are hereby impowered to adminiſter) and the Penalties and Forfeitures when recovered, after rendering the Overplus (if any be) when demanded, to the Party or Parties whoſe Goods and Chattles ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall be paid to the ſaid Truſtees, or any Five or more of them, or to their Treaſurer or Treaſurers, and ſhall by them reſpectively be applied (if not directed to be otherwiſe applied by this Act) for and towards the amending the ſaid Roads; and in caſe ſufficient Diſtreſs cannot be found, and ſuch Penalties and Forfeitures ſhall not be paid, it may and ſhall be lawful for ſuch Juſtice or Juſtices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit ſuch Offender or Offenders to the Common Gaol of the ſaid County of Cumberland, for any Time not exceeding Three Months.

Diſtreſs not to be deemed unlawful for want of Form,

And be it further enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on account of any Default or Want of Form in any Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity may recover full Satisfaction for the Special Damage, in an Action on the Caſe.

nor the Parties diſtraining deemed Treſpaſſers *ab initio*.

Provided always, That no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity,

Plaintiff not to recover, if Tender of Amends has been made.

Treſpaſs, or other Proceedings, if Tender of ſufficient Amends ſhall be made by, or on the Behalf of, the Party or Parties who ſhall have committed, or cauſed to be committed, any ſuch Irregularity, Treſpaſs, or wrongful Proceedings, before ſuch Action brought: And in caſe no ſuch Tender ſhall have been made, it may and ſhall be lawful for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Money as he or they ſhall ſee fit; whereupon ſuch Proceedings or Orders and Judgements ſhall be had, made, or given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Perſons aggrieved may appeal to the Quarter Seſſions.

Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any Perſon ſhall think himſelf or herſelf aggrieved by any Act, Order, or Judgement, done, made, or awarded, in purſuance of this Act, and for which no particular Method of Relief hath been already hereby appointed; it ſhall be lawful for him or her to appeal to the Juſtices of the Peace at their next General Quarter Seſſions of the Peace to be held for the County of Cumberland, he, ſhe, or they, cauſing Fourteen Days Notice, in Writing, of ſuch Appeal, and of the Cauſe or Matter thereof, to be given to the Perſon or Perſons on whoſe Evidence ſuch Act, Order, or Judgement, ſhall be ſo done, made, or awarded, and to ſome or One of the Collectors or Receivers of the ſaid Tolls; ſuch Perſon entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County, with ſufficient Sureties, conditioned to proſecute the ſaid Appeal with Effect; and the Juſtices, ſo aſſembled at their General Quarter Seſſions as aforeſaid, are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint of any ſuch Perſon in a ſummary Way; and the Orders and Judgements of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned or intereſted therein.

Notice of Appeal to be given.

Recognizance to be entered into.

Proceedings not to be quaſhed for want of Form,

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Order touching or concerning any of the Matters aforeſaid, or any other Proceedings touching the Conviction of any Offender or Offenders againſt this Act, ſhall be quaſhed or vacated for want of Form, or be removed or removeable by Certiorari, or any other Writ or Proceſs, into any of His Majeſty's Courts of Record at Weſtminſter; any thing herein contained to the contrary notwithſtanding.

nor removable by *Certiorari*.

And

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforeſaid, That this Act, and the ſeveral Authorities and Powers hereby given, ſhall take Place and have Continuance from the Firſt Day of June, One thouſand ſeven hundred and ſixty ſeven, for and during the Term of Twenty one Years, and from thence to the End of the then next Seſſion of Parliament.

On Death, &c. of Truſtees, others to be choſen.

And be it further enacted by the Authority aforeſaid, That when and as often as any of the ſaid Truſtees ſhall die or refuſe to act, it ſhall be lawful for the ſurviving Truſtees, or any Seven or more of them, from time to time, to elect and appoint One or more fit Perſon or Perſons to be a Truſtee or Truſtees in the Room of ſuch Truſtee or Truſtees ſo deceaſed or refuſing to act; and Notice in Writing of the Time and Place of Meeting for the Election of every ſuch new Truſtee ſhall be fixed on all the Gates or Turnpikes to be erected by virtue of this Act, at leaſt Ten Days before the Meeting for ſuch Election; and all ſuch Perſons as ſhall from time to time be ſo choſen and appointed, ſhall be joined with ſuch ſurviving Truſtees, and are hereby authorized and impowered to act to all Intents and Purpoſes in as full, large, and ample, Manner, as the ſaid Truſtees hereby appointed are impowered to act.

Notice of Election to be given.

Times and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the Truſtees hereby appointed, or any Seven or more of them, ſhall meet together at the Houſe known by the Sign of the Blue Bell in the Town of Dalſton aforeſaid, upon the Firſt Monday in June, One thouſand ſeven hundred and ſixty ſeven, and ſhall proceed to the Execution of this Act; and ſhall then adjourn themſelves, and afterwards meet at the Houſe aforeſaid, or at any other Houſe, as the ſaid Truſtees, or any Seven or more of them, ſhall think proper, as often as it ſhall be neceſſary for putting this Act in Execution: And if it ſhall happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act, and to adjourn themſelves, or if the ſaid Truſtees ſhall refuſe or neglect to adjourn themſelves, the Clerk to the ſaid Truſtees ſhall, by publick Notice in Writing, to be affixed at or on all the Turnpikes to be erected by virtue of this Act, at leaſt Seven Days before the next Meeting, and before and until the ſaid Gates or Turnpikes ſhall be erected by publick Notice advertiſed in One or more of the publick News Papers printed at Newcaſtle upon Tyne, at leaſt Seven Days before ſuch Meeting, appoint the ſaid Truſtees to meet at the Houſe where the laſt Meeting was appointed to be held, on that Day Fort-

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

night from the Day on which such Meeting was appointed to be held, and so toties quoties.

A Meeting to be called on Emergency.

Provided always, That if, after any such Adjournment, whether the same be made by the said Trustees, or by their Clerk, or after such Refusal or Neglect as aforesaid, it shall at any Time be thought necessary for the better Execution of this Act, that an early Day of Meeting should be appointed; such Clerk, upon an Order in Writing signed by Seven or more of the said Trustees, naming the Time and Place of such Meeting, shall immediately, by publick Notice, in Writing, to be affixed at or on all the Gates or Turnpikes to be erected by virtue of this Act, and before and until the said Gates or Turnpikes shall be erected, by publick Notice, advertised in One or more of the publick News Papers printed at Newcastle upon Tyne, appoint the said Trustees to meet at such Time and Place as shall be named in such written Order, Seven Days Notice at the least being given previous to such early Meeting so appointed as aforesaid: And the said Trustees shall at all their Meetings defray their own Charges and Expences.

Trustees to defray their own Expences.

Treasurer to give Security.

And be it further enacted, That the said Trustees, or any Seven or more of them, shall, and they are hereby required to take such Security from the Treasurer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his or their said Office or Offices, as the said Trustees, or any Seven or more of them, shall think fit.

No Trustee to have a Place of Profit.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person appointed a Trustee by virtue of this Act, shall have or hold any Place of Profit arising out of the Tolls or Duties hereby made payable, such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place of Profit; nor shall any Trustee execute any of the Powers or Authorities granted or given by this Act, except at a publick Meeting, unless for appointing a publick Meeting or publick Meetings of the said Trustees in Manner aforesaid.

No act valid, except at a publick Meeting.

Trustees in Commission of the Peace may act as Justices.

Provided also, and be it further enacted, That such of the said Trustees as are or shall be in the Commission of the Peace may, and are hereby authorized and impowered to act as Justices of the Peace in the Execution of the several Powers and Authorities hereby given to any Justice or Justices of the Peace, notwithstanding his or their being such Trustee or Trustees.

And

And be it further enacted, That full, true, and fair, Accounts and Entries of all the Monies that shall be collected, received, laid out, expended, and paid, by virtue of this Act, and of all Orders, Acts, Matters, Proceedings, and Things, which shall be done by the said Trustees, in the Execution of the Powers hereby to them given, shall, from time to time, be duly and regularly entered in Books which shall be kept for those Purposes; and all such Orders, Acts, and Proceedings so entered, shall be signed by the said Trustees, or any Five or more of them, at any Meeting; which said Books, and also the Book or Books by this Act directed to be kept for registering the original Assignments aforesaid, shall and may be produced and read in Evidence in all Cases of Appeal, and in all Suits or Actions touching any thing done in pursuance of this Act. Proceedings to be entered in a Book.

Provided always, and be it further enacted, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security for the borrowing of Money, or other Writing or Instrument whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any Trustee or Trustees for putting this Act in Execution, or by any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any of the Powers or Authorities hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever. Writings to be without Stamps.

And be it further enacted, That no Order made by the said Trustees, or any of them, in, for, or concerning the executing the Trust, Powers, and Authorities of this Act, or any of them, shall be revoked, repealed, or set aside, by any subsequent Order of the Trustees, unless Fifteen Trustees shall be then present. No Order to be repealed unless 15 Trustees be present.

And be it further enacted, That if any Action or Suit shall be brought against any Person or Persons for any thing done, or to be done, in pursuance of this Act, the same shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid, brought, and tried, within the County of Cumberland, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon; and that the Matter or Thing, for which such Action or Suit shall be so brought, was done in Pursuance, and by the Authority, Limitation of Actions. General Issue.

of this Act: And if it ſhall appear ſo to be done; or if any ſuch Action or Suit ſhall be commenced after the Time herein before limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants; and upon a Verdict for the Defendant, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared; or if, upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

Treble Coſts.

Publick Act.

And be it further enacted, That this Act ſhall be adjudged, deemed, and taken to be, a Publick Act; and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

FINIS.